

REMARKSClaim Rejections under 35 USC 112, first paragraph

Applicants respectfully draw the Examiner's attention to the portion of the Specification that states "[i]n alternate embodiments, the functionality illustrated in FIG. 2 may be implemented using hardware, software, or any combination of hardware and software" (Specification, page 10, lines 4-5, emphasis added). It is well known in the art how to store software on a computer readable medium. (See also, Office Action dated 12/11/2007, page 5, where the Examiner states that "as common knowledge of one of ordinary skill in the art, the method [of claim 1] can be implemented in software for performing the claimed step".)

Claim Rejections under 35 USC 103(a) as being obvious over U.S. Patent 6,925,177 B2 (Nishimura)

Applicants respectfully point out that the Examiner admits that Nishimura does not teach "applying a predetermined gain function to the error signal during a predetermined period of time to produce an output signal". However, the Examiner argues that this would have been obvious based on Nishimura. However, Nishimura teaches a signal dependent response for gain adjustment (see Nishimura, FIG. 2), whereas claims 1, 50, and 58 instead use a gain function that is applied during a "predetermined period of time" and that is independent of the error signal.

For at least the reasons above, Applicants respectfully and strongly assert that the claimed invention is patentable over Nishimura. However, to move prosecution of this case to resolution, Applicants have amended claims 1, 59, and 58 to clarify that the predetermined period of time for applying the predetermined gain function is independent of the error signal. Applicants respectfully assert that this amendment is for clarity purposes and is not for patentability purposes. The gain adjustment taught in Nishimura is dependent upon the error signal.

Conclusion

The Office Action contains numerous statements characterizing the claims, the Specification, and the prior art. Regardless of whether such statements were addressed by Applicants, Applicants refuse to subscribe to any of these statements, unless expressly indicated by Applicants.

Note that no amendments have been made to make the claims allowable over the prior art of record. Thus Applicants respectfully assert that the doctrine of equivalents should still be applicable to all of the claims.

Applicants believe the application is in condition for allowance which action is respectfully solicited. Please contact Susan C. Hill if there are any issues regarding this communication or the current Application.

If Applicant has overlooked any additional fees, or if any overpayment has been made, the Commissioner is hereby authorized to credit or debit Deposit Account 503079, Freescale Semiconductor, Inc.

Respectfully submitted,

SEND CORRESPONDENCE TO:

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